

Serial No.: 10/027,235

Docket No.: KCC-16,491

Amendment dated 17 November 2004

Reply to Office Action mailed 22 September 2004

REMARKS

This application has been reconsidered carefully in light of the final Office Action dated as mailed on 22 September 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants kindly request the Examiner to contact the undersigned to schedule a telephone interview to discuss the merits of this Patent Application.

Amendments to the Claims

By the above amendments, independent Claim 1 was amended to require that the side seam has a width of about 5 mm to about 30 mm.

Independent Claim 13 was amended to require that each side seam has a width of about 5 mm to about 30 mm.

Independent Claim 17 was amended to require that the edge portion of the first side panel is offset with respect to the edge portion of the second side panel, wherein the concealed side seam has a width of about 5 mm to about 30 mm.

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Claims 7, 35 and 44 were canceled. Claims 8, 36 and 45 were amended accordingly.

Claims 1, 2, 8-14, 17 and 34, 36-43 and 45-52 remain in the application.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 2, 7-14, 17 and 34-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,610,681 to Strohbeen et al. (hereinafter "Strohbeen et al.") in view of PCT International Application WO 01/79602 to Han (hereinafter "Han").

The Examiner acknowledges that Strohbeen et al. does not disclose a first side panel offset with respect to a second side panel and side seams comprising a primary bond and a secondary bond. However, the Examiner states that Strohbeen et al. discloses that it is desirable to create a disposable garment having the appearance of underwear. For this reason, the Examiner alleges, Strohbeen et al. created a narrower or discrete exterior seam.

Strohbeen et al. teaches an exterior side seam having a total width of about 1/16" to about 3/16". Strohbeen et al. discloses that the seam area preferably has a total width of about 1/8". As shown in Fig. 5, the side seam 13 connects the garment layers 31, 30, 16 at coterminous edges thereof, thus avoiding "flaps," which are allegedly undesirable.

Strohbeen et al. does not teach or suggest a disposable garment having a side seam connecting the first side panel to the second side panel, wherein the first side panel is offset with respect to the second side panel, as required by independent Claims 1, 13 and 17. Further, Strohbeen et al. does not teach or suggest the side seam having a width of about 5 mm to about 30 mm, as required by independent Claims 1, 13 and 17. Unlike Applicants' claimed invention having a side seam that connects a first side panel to a second side panel, wherein the first side panel is offset with respect to the second side panel, Strohbeen et al. merely teaches a seam that is made relatively narrow so as to minimize the visibility of the seam, thus, avoiding "flaps" that may have an undesirable appearance. See Strohbeen et al. at Col. 2, lines 29-35.

Han does not overcome the deficiencies of Strohbeen et al. Han teaches a sewing method for joining two sheets of animal skin together, each having a polished leather side and a fur side. The two sheets of animal skin contact each other so that the fur sides are in face-to-face contact with a first sheet edge set back from a second sheet edge. The sewing method results in a fringe of fur filaments A which protrude from the edge strip 13', as shown in Figs. 9 and 10.

One skilled in the art would not be motivated to combine the teachings of Han with the teachings of Strohbeen et al. to create Applicants' claimed invention. First, the method taught by Han would not be useful in constructing the garment side

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seam of Strohbeen et al. having a preferred width of less than about 1/8". Further, Han actually teaches away from the present invention by teaching a method of sewing that results in a non-discrete fur fringe, indicated by element reference letter A in Figs 9 and 10 of Han, that protrudes from the edge of the sewed seam. The suggested combination would not provide a garment having the appearance of underwear, and having a narrower or discrete exterior seam.

Accordingly, Applicants respectfully urge that Strohbeen et al., alone or in combination with Han, does not render Applicants' claimed invention obvious in the manner required by 35 U.S.C. § 103(a). Thus, Applicants respectfully request withdrawal of this rejection.

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Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



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